IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 20TH JULY 2006 / 29TH ASHADHA,1928

Bail Appl..No. 4125 of 2006

PETITIONER/ACCUSED

THOMSUN, S/O. OUSO,
OLATTUCHUTTU VEETTIL,
IRUTHIPURAM KARA,
PUTHENVELIKKARA VILLAGE,
PARAVUR TALUK.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR (CRIME NO. 18/2004 OF
PARAVUR EXCISE RANGE)

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4125/2006

DATED THIS THE 20TH DAY OF JULY, 2006

O R D E R

The petitioner is the second accused, in C.R.No.18/2004 of Paravur Excise Range. The allegation is that the petitioner, along with the first accused, was found in illegal possession of thirty liters of illicit arrack, on 31.7.2004. The first accused was arrested on the same day. The second accused could not be arrested. The facts reveal, as submitted by the learned Public Prosecutor, that on the submission of the first accused, the second accused, the petitioner herein, is also implicated. Hence the petitioner is before this Court, under Section 438 Cr.P.C.

2. After hearing the counsel as well as the public Prosecutor, I direct the petitioner to surrender before the Judicial Magistrate of First Class, North Paravur, on 26.7.2006 at 11.00 a.m., and move an application for bail, in which event the learned Magistrate shall consider the

same and release the petitioner on bail, imposing such conditions which are deemed necessary. However I make it clear that if the investigating officer desires to have the petitioner, the second accused, for interrogation, he may move an application before the Court below for the custody, which also shall be considered by the learned Magistrate, according to the law and dispose of it, after hearing both sides.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs